

REMARKS

The non-final Office Action of July 23, 2009, rejects all pending claims. In this Amendment in Reply, Applicants amend claims 1, 3, 5, 7, 9, 10, 11, 22, 23, 25, 26, and 28-31. As such, claims 1, 3-23, and 25-31 remain pending and claim 32 remains withdrawn. Applicants request reconsideration of the pending claims in view of the remarks set forth below.

Interview Summary

Through the undersigned representative, Applicants conducted a telephonic interview with the Examiner on December 14, 2009. The interview generally pertained to the rejection of independent claims 1 and 31 under 35 U.S.C. § 102 as being allegedly anticipated by U.S. Patent No. 6,895,406 to Fables et al. ("the Fables reference").

During the interview, Applicants suggested amending independent claim 1. Tentative agreement was reached that Applicants' suggested amendments would overcome the Fables reference, subject to further review and consideration by the Examiner.

Applicants have not made the same amendments to claim 31, because it is patentable as discussed below.

Applicants thank the Examiner for the courtesy of the interview.

Claim Amendments

Applicants amend independent claims 1, 23 and 31, and dependent claims 3, 5, 7, 9, 10, 11, 22, 25, 26, and 28-30. Amendments to the dependent claims are generally made to conform those claims to changes in the independent claims. Support for these amendments can be found throughout the Specification as originally filed, for example, at pages 13-14, paragraph [0034].

Claim Objections – Claims 1, 3-23, and 25-31

Claims 1, 3-23, and 25-31 are object to for informalities regarding the recitation of "the one portion" in independent claims 1, 23, and 31. As suggested by the Examiner, Applicants have corrected the informalities by amending the independent claims to recite "the at least one

portion,” and Applicants respectfully request the objections to claims 1, 3-23, and 25-31 be withdrawn.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claims 1, 3-7, 9-19, 22-23, 25-26, and 28-31 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by the Fables reference. Claims 8, 20-21, and 27 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Fables reference in view of the Examiner's Official Notice. Claims 1, 23, and 31 are independent.

The rejections of claims 1 and 23 and their dependent claims are rendered moot by the amendments to the independent claims above. However, Applicants do not concede the merit of these rejections.

Amended claims 1 and 23 are patentable over the Fables reference at least because the Fables reference does not disclose or suggest “subsequently processing a second search query received from a user who is different than the first plurality of computer users, by determining whether a portion of content from the second query matches a portion of content from at least one of the plurality of first search queries,” as recited in amended independent claims 1 and 23 (emphasis added).

As tentatively agreed during the interview of December 14, 2009, the Fables reference does not disclose or suggest such a feature. Instead, the Fables reference discusses that a keyword mapping is created for a single user based upon input received from the single user and that use of the keyword map for generating search phrases is limited to the single user. (*See* Fables at col. 4, line 43 – col. 7, line 38). For example, the Fables reference discloses that “a Personal Word Map . . . is established to capture the user's input in the form of keywords or other entries reflecting the choices selected by the user reflecting the items deemed to be of interest to the user.” (*Id.* at col. 4, lines 43-47) (emphasis added). In a further example, the Fables reference disclosed that “[t]he keywords for the user's choice are provided to the Personal Word Map 3 and to a Phrase Engine 4 for searching the website database for results corresponding to the user's selection.” (*Id.* at col. 5, lines 7-10) (emphasis added).

In certain implementations, the amended claims may provide advantages not available with Fables. In particular, Fables simply maps words that a particular user has entered, but the recited claims may enable a system to use search queries submitted by some users, to provide improved service for other users. For example, a system may generate a rewritten query after certain users have already submitted a search query, and may have the rewritten query available for other users so that search results may be delivered to those other users more efficiently and quickly. Such benefits may be especially pronounced where particular users only enter the query once, or a very few times, when doing searches. The Fables reference—centered on a single user—cannot provide such possible benefits.

For at least the foregoing reasons, Applicants' independent claims 1 and 23 are patentable over the Fables reference, and Applicants respectfully request withdrawal of the rejection of those claims and their dependent claims.

Independent claim 31 is patentable over the Fables reference at least because the Fables reference does not disclose or suggest “when the first search query is determined, based on the indicator of frequency, to be among a group of most frequently received queries relative to other queries received at the search interface . . . rewriting the first search query, based on the phrase, into a modified search query . . . and mapping, with the computer system, the first search query to the modified search query in the memory,” as recited in independent claim 31.

Claim 31 recites a method that involves “determining an indicator of frequency with which the first search query has been received at the search interface,” and, based upon the indicator of frequency, rewriting the query into a modified query and producing a mapping between the query and modified query “when the first search query is determined, based on the indicator of frequency, to be among a group of most frequently received queries relative to other queries received at the search interface that are different than the first search query.” Thus, the group of rewritten and mapped queries may be limited in scope to the most frequently received queries. Such limiting of the queries for which rewritten forms are stored in a mapping may increase the efficiency of the system when later query submissions are received, as a system need

not analyze an exhaustive group of all received queries, but instead may simply need to review a smaller sub-set that is inferred to be the most relevant based on its frequency of being received.

The Office Action asserts that Fables discloses such a feature by disclosing that “[t]he purpose of building the associative word scheme in the User Profile is to effectively group and/or weigh the words according to how or in what sequence they were selected by the user.” (Fables at col. 4, lines 53-57). But the “group[ing] and/or weigh[ting]” disclosed in Fables is generated by adding each selection to the word scheme in the User Profile and counting the number of instances of the selection, not by only adding selections that are “determined, based on the indicator of frequency, to be among a group of most frequently received queries relative to other queries received at the search interface that are different than the first search query,” as recited in claim 31.

The Fables reference does not consider frequency when constructing a word scheme/keyword mapping. Instead, the Fables reference adds each selected keyword to the mapping and records the number of instances of the selected keyword. The following example from the Fables reference illustrates this point: “Search Result ‘c’ is clicked by the user. Keywords ‘1’ and ‘4’ used in the search phrase that returned the result are added to the Personal Word Map. However, since both Keywords are already present in the list, the counter or weight value in brackets is simply incremented by one.” (Fables at col. 7, lines 7-12). These recorded weight values are used in the Fables reference to generate search phrases, not to determine which keywords are added to the mapping. (*See id.* at col. 8, line 64 – col. 9, line 11).

For at least the foregoing reasons, Applicants’ independent claim 31 is patentable over the Fables reference, and Applicants respectfully request withdrawal of the rejection of this claim.

Furthermore, although claim 31 stands amended in this Amendment in Reply, the only amendment to claim 31 corrects a minor informality. As such, Applicants’ amendment of claim 31 does not necessitate a new ground of rejection or a new search. Pursuant MPEP § 706.07(a), Applicants remind the Examiner that a subsequent rejection of independent claim 31 must be made **non-final**.

CONCLUSION

Applicants submit that claims 1, 3-23, and 25-31 are in condition for allowance, and request that the Examiner issue a notice of allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply \$490.00 for a Two-Month Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: December 23, 2009

/John A. Dragseth, Reg. No. 42,497/

John A. Dragseth
Reg. No. 42,497

Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945